

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
12-CR-305(1) (DSD/LIB)**

James Robert Carlson,

petitioner,

v.

**REQUEST FOR
CONTINUANCE OF
SCHEDULED EVIDENTIARY
HEARING**

United States of America,

respondent.

James Robert Carlson, through counsel, Deborah Ellis, moves the court for a continuance of the evidentiary hearing currently set for January 15-16, 2019. This request for a continuance, which the government does not oppose, is based on the following:

1. Mr. Carlson is incarcerated outside the state of Minnesota. A writ was requested and issued some while ago for his return to Minnesota for the upcoming evidentiary hearing. Mr. Carlson has not yet arrived back in Minnesota and according to the U.S. Marshal's office he is not expected to arrive until approximately January 8, 2019.
2. Counsel for Mr. Carlson was intent upon meeting with him in Minnesota prior to the scheduled hearing in preparation for the evidentiary hearing.
3. The unexpected delay in Mr. Carlson's return has impeded counsel's ability

to fully prepare for the evidentiary hearing scheduled for January 15 and 16, 2019.

4. Counsel will be out of state from December 29 to January 5, 2019. Counsel has a state trial scheduled to begin January 7th in Washington County. After the state trial was set, oral arguments were set in the Minnesota Court of Appeals in a different case for January 8 thus the oral argument will postpone the commencement of the Washington County case until January 9, 2019.
5. Counsel has an appellate brief due in the state court of appeals on January 14, 2019.
6. Counsel has not had sufficient time to prepare for the evidentiary hearing given other court commitments including briefs and the lack of available time to meet with Mr. Carlson.

Wherefore, counsel requests a continuance of the scheduled evidentiary hearing to a date available to the court and opposing counsel.

Dated: December 28, 2018

Respectfully submitted,

/s/ *deborah ellis*
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